

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0304-PWS-E TCEQ ID: RN101190809 CASE NO.: 5864
RESPONDENT NAME: Kathie Bryant dba Buena Vista Water System

Page 1 of 3

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Buena Vista WS, 119 Buena Vista Drive, Burnet County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 17, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Christopher Keffer, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5610; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Kathie Bryant, Owner/Operator, Buena Vista Water System, 349 County Road 139, Burnet, Texas 78611 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 3, 2006</p> <p>Date of NOV/NOE Relating to this Case: August 8 and December 21, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to equip each filter with an on-line turbidimeter and recorder [30 TEX. ADMIN. CODE § 290.42(d)(11)(E)(ii)].</p> <p>2) Failed to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators [30 TEX. ADMIN. CODE § 290.42(d)(11)(D)(i)].</p> <p>3) Failed to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less [30 TEX. ADMIN. CODE § 290.45(b)(2)(F) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>4) Failed to provide a treatment plant capacity of 0.6 gpm per connection [TCEQ Agreed Order Docket No. 2003-0360-PWS-E, Ordering Provision 2.c.i., 30 TEX. ADMIN. CODE § 290.42(b)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>5) Failed to provide a minimum water pressure of at least 35 pounds per square inch ("psi") throughout the distribution system [TCEQ Agreed Order Docket No. 2003-0360-PWS-E, Ordering Provision</p>	<p>Total Assessed: \$8,931</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$105 (remaining \$8,826 due in 7 monthly payments of \$105 each, 27 monthly payments of \$289 each, and one final payment of \$288)</p> <p>The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by Ms. Bryant and determined that Ms. Bryant is able to pay the full payable penalty in accordance with the installment schedule detailed above.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violations and the violation of an Agreed Order.</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has maintained compliance with the MCL for HAA5 since the third quarter of 2006.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of this Agreed Order, begin maintaining a residual disinfectant concentration of at least 0.2 mg/L free chlorine or 0.5 mg/L chloramine in the water entering the distribution system.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Equip each filter with an on-line turbidimeter and recorder which allows the operator to measure and record the turbidity at 15 minute intervals; and</p> <p>ii. Equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions 2.a. and 2.b., as described on Ordering Provision 2.j.</p> <p>d. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Provide a service pump capacity for each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gpm per connection;</p> <p>ii. Provide a treatment plant capacity of 0.6 gpm per connection; and</p> <p>iii. Submit an engineering study which addresses the low pressures being experienced within the distribution system. This study shall include plans and specifications, which have been prepared</p>

<p>2.c.iii. and 30 TEX. ADMIN. CODE § 290.44(d)].</p> <p>6) Failed to operate the disinfection equipment to maintain a minimum free chlorine residual of 0.2 milligrams per liter ("mg/L") in each finished water storage tank and throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.46(d)(2)(A)].</p> <p>7) Failed to comply with the maximum contaminant level ("MCL") of 0.060 mg/L for haloacetic acid ("HAA5") [30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>8) Failed to comply with the MCL of 0.080 mg/L for trihalomethanes ("TTHM") [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>	<p>by a registered professional engineer, for any system improvements needed to maintain a minimum pressure of 35 psi at all points within the distribution network at flow rates of at least 1.5 gallons per minute per connection.</p> <p>e. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the study, plans and specifications within 30 days after the date of such requests, or by any other deadline specified in writing.</p> <p>f. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.d., as described on Ordering Provision 2.j.</p> <p>g. Within 180 days after the effective date of this Agreed Order, begin operating the Facility so as to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions.</p> <p>h. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.g., as described on Ordering Provision 2.j.</p> <p>i. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average MCL for TTHM.</p> <p>j. Within 380 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.i.</p>
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Additional ID No(s): PWS 0270008



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES	Assigned	23-Jan-2007
	PCW	7-Mar-2007
	Screening	15-Feb-2007
	EPA Due	31-Aug-2007

RESPONDENT/FACILITY INFORMATION	
Respondent	Kathie Bryant dba Buena Vista Water System
Reg. Ent. Ref. No.	RN101190809
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION	
Enf./Case ID No.	5864
Docket No.	2007-0304-PWS-E
Media Program(s)	Public Water Supply
Multi-Media	
Admin. Penalty \$	Limit Minimum \$50 Maximum \$1,000
No. of Violations	8
Order Type	Findings
Enf. Coordinator	Sandy VanCleave
EC's Team	Order Compliance Team

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$3,900

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 104% Enhancement **Subtotals 2, 3, & 7** \$4,056

Notes The Respondent received 16 NOVs that are the same or similar as those violations addressed in this enforcement action, two NOVs that are not the same or similar and one agreed enforcement order containing a denial of liability.

Culpability Yes 25% Enhancement **Subtotal 4** \$975

Notes The Respondent was issued a notice of alert letter for trihalomethane ("TTHM") exceedances on June 24, 2004 and for haloacetic acid ("HAA5") exceedances on July 14, 2004.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts \$3,888 **0% Enhancement*** **Subtotal 6** \$0
Approx. Cost of Compliance \$20,300 ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$8,931

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment \$0

Notes

Final Penalty Amount \$8,931

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$8,931

DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

0% Reduction **Adjustment** \$0

Notes

No deferral is recommended because this is a Findings Order.

PAYABLE PENALTY

\$8,931

Screening Date 15-Feb-2007

Docket No. 2007-0304-PWS-E

PCW

Respondent Kathie Bryant dba Buena Vista Water System

Policy Revision 2 (September 2002)

Case ID No. 5864

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101190809

Media [Statute] Public Water Supply

Enf. Coordinator Sandy VanCleave

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	16	80%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 104%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent received 16 NOVs that are the same or similar as those violations addressed in this enforcement action, two NOVs that are not the same or similar and one agreed enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 104%

Screening Date 15-Feb-2007

Docket No. 2007-0304-PWS-E

PCW

Respondent Kathie Bryant dba Buena Vista Water System

Policy Revision 2 (September 2002)

Case ID No. 5864

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101190809

Media [Statute] Public Water Supply

Enf. Coordinator Sandy VanCleave

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(11)(E)(ii)

Violation Description Failed to equip each filter with an on-line turbidimeter and recorder which allows the operator to measure and record the turbidity at 15 minute intervals.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could be exposed to significant amount of pollutants which would not exceed levels that are protective of human health if the operator cannot determine the turbidity at required intervals.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

104 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$200

Two quarterly events are recommended based on documentation of the violation during the investigation conducted on November 3, 2006, to the screening date, February 15, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$35

Violation Final Penalty Total \$458

This violation Final Assessed Penalty (adjusted for limits) \$458

Economic Benefit Worksheet

Respondent Kathie Bryant dba Buena Vista Water System
Case ID No. 5864
Reg. Ent. Reference No. RN101190809
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$500	3-Nov-2006	31-Oct-2007	1.0	\$2	\$33	\$35
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to equip each filter with an on-line turbidimeter and recorder. Date required is the date the violation was documented. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$35

Screening Date 15-Feb-2007

Docket No. 2007-0304-PWS-E

PCW

Respondent Kathie Bryant dba Buena Vista Water System

Policy Revision 2 (September 2002)

Case ID No. 5864

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101190809

Media [Statute] Public Water Supply

Enf. Coordinator Sandy VanCleave

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(11)(D)(i)

Violation Description

Failed to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

The influent and effluent pressures cannot be accurately measured during filter operation without operational rate-of-flow indicators. This may allow a significant amount of pollutants which would not exceed levels that are protective of human health to pass through the filters.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

104 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$200

Two quarterly events are recommended based on documentation of the violation during the investigation conducted on November 3, 2006, to the screening date of February 15, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$104

Violation Final Penalty Total \$458

This violation Final Assessed Penalty (adjusted for limits) \$458

Economic Benefit Worksheet

Respondent Kathie Bryant dba Buena Vista Water System
Case ID No. 5864
Reg. Ent. Reference No. RN101190809
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$1,500	3-Nov-2006	31-Oct-2007	1.0	\$5	\$99	\$104
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to equip the filters with rate-of-flow indicators. Date required is the date the violation was documented. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$104

Screening Date 15-Feb-2007

Docket No. 2007-0304-PWS-E

PCW

Respondent Kathie Bryant dba Buena Vista Water System

Policy Revision 2 (September 2002)

Case ID No. 5864

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101190809

Media [Statute] Public Water Supply

Enf. Coordinator Sandy VanCleave

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(2)(F) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less. Specifically, during the investigation, it was documented that the water system reported a service pump capacity of 180 gpm. Based on the number of connections, the water system is required to provide a service pump capacity of 246 gpm.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Inadequate service pump capacity (27% deficient) could result in low water pressure and water outages that may allow a significant amount of contaminants to enter the water supply which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

104 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$200

Two quarterly events are recommended based on documentation of the violation during the investigation conducted on November 3, 2006, to the screening date of February 15, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$122

Violation Final Penalty Total \$458

This violation Final Assessed Penalty (adjusted for limits) \$458

Economic Benefit Worksheet

Respondent Kathie Bryant dba Buena Vista Water System
Case ID No. 5864
Reg. Ent. Reference No. RN101190809
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$1,500	3-Nov-2006	31-Dec-2007	1.2	\$6	\$116	\$122
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide adequate service pump capacity to meet the peak hourly demands of the system. Date required is the date the violation was documented. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$122

Screening Date 15-Feb-2007

Docket No. 2007-0304-PWS-E

PCW

Respondent Kathie Bryant dba Buena Vista Water System

Policy Revision 2 (September 2002)

Case ID No. 5864

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101190809

Media [Statute] Public Water Supply

Enf. Coordinator Sandy VanCleave

Violation Number 4

Rule Cite(s) TCEQ Agreed Order Docket No. 2003-0360-PWS-E, Ordering Provision 2.c.i., 30 Tex. Admin. Code § 290.45(b)(2)(B) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a treatment plant capacity of 0.6 gpm per connection. Specifically, during the investigation, it was documented that the system's treatment capacity is 0.081 million gallons per day ("mgd") based on the limitations of four pressure filters and 0.079 mgd based on the sedimentation basin capacity. Based on the number of connections, the water system is required to provide a minimum of 0.106 mgd under normal conditions.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Inadequate treatment plant capacity (24-25% deficient) could result in inadequate sanitation of water and low water pressure or inadequate water supply resulting in a significant amount of contaminants that may be distributed to the public that would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 11

977 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,100

Eleven quarterly events are recommended based on the Order effective date of June 13, 2004, to the enforcement screening date of February 15, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,485

Violation Final Penalty Total \$2,519

This violation Final Assessed Penalty (adjusted for limits) \$2,519

Economic Benefit Worksheet

Respondent Kathie Bryant dba Buena Vista Water System

Case ID No. 5864

Reg. Ent. Reference No. RN101190809

Media Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$10,000	13-Jun-2004	31-Dec-2007	3.6	\$118	\$2,367	\$2,485
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide additional treatment plant capacity. Date required is the effective date of TCEQ Agreed Order Docket No. 2003-0360-PWS-E. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$2,485

Screening Date 15-Feb-2007

Docket No. 2007-0304-PWS-E

PCW

Respondent Kathie Bryant dba Buena Vista Water System

Policy Revision 2 (September 2002)

Case ID No. 5864

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101190809

Media [Statute] Public Water Supply

Enf. Coordinator Sandy VanCleave

Violation Number 5

Rule Cite(s) TCEQ Agreed Order Docket No. 2003-0360-PWS-E, Ordering Provision 2.c.iii. and 30 Tex. Admin. Code § 290.44(d)

Violation Description

Failed to provide a minimum water pressure of at least 35 pounds per square inch ("psi") throughout the distribution system. Specifically, during the investigation, pressure was recorded at 28 psi at 113 La Flores Street and 22 psi at 856 El Camino Street.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Lack of pressure (20-37% deficient) within the distribution system could result in water outages and back flow problems and may allow a significant amount of contaminants to enter the water supply which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 11

977 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,100

Eleven quarterly events are recommended based on the Order effective date of June 13, 2004, to the enforcement screening date of February 15, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$373

Violation Final Penalty Total \$2,519

This violation Final Assessed Penalty (adjusted for limits) \$2,519

Economic Benefit Worksheet

Respondent Kathie Bryant dba Buena Vista Water System
Case ID No. 5864
Reg. Ent. Reference No. RN101190809
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,500	13-Jun-2004	31-Dec-2007	3.6	\$18	\$355	\$373
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide adequate water pressure throughout the distribution system. Date required is the effective date of TCEQ Agreed Order Docket No. 2003-0360-PWS-E. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE (1) avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$373

Screening Date 15-Feb-2007

Docket No. 2007-0304-PWS-E

PCW

Respondent Kathie Bryant dba Buena Vista Water System

Policy Revision 2 (September 2002)

Case ID No. 5864

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101190809

Media [Statute] Public Water Supply

Enf. Coordinator Sandy VanCleave

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.46(d)(2)(A)

Violation Description

Failed to operate the disinfection equipment to maintain a minimum free chlorine residual of 0.2 milligrams per liter ("mg/L") in each finished water storage tank and throughout the distribution system at all times. Specifically, during the investigation, a field test conducted on a water sample collected at 113 Las Flores Street revealed a free chlorine residual of 0.05 mg/L.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failing to maintain a free chlorine residual of 0.2 mg/L may allow bacteria to form in the system and may result in contaminated water being distributed for human consumption.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

104 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended based on the results of the chlorine residual test conducted during the November 3, 2006 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$229

This violation Final Assessed Penalty (adjusted for limits) \$229

Economic Benefit Worksheet

Respondent Kathie Bryant dba Buena Vista Water System
Case ID No. 5864
Reg. Ent. Reference No. RN101190809
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$300	3-Nov-2006	10-Oct-2007	0.9	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to increase chlorine dosage to maintain an adequate chlorine residual throughout the distribution system. Date required is the investigation date. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$14

Screening Date 15-Feb-2007

Docket No. 2007-0304-PWS-E

PCW

Respondent Kathie Bryant dba Buena Vista Water System

Policy Revision 2 (September 2002)

Case ID No. 5864

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101190809

Media [Statute] Public Water Supply

Enf. Coordinator Sandy VanCleave

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(5) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per Liter ("mg/L") for HAA5, based on a running annual average for the third quarter of 2004 through the first quarter of 2006. Specifically, the running annual average of HAA5 for the third quarter of 2004 through the first quarter of 2006 was 0.066, 0.081, 0.096, 0.082, 0.076, 0.074 and 0.068 mg/L, respectively.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to comply with the MCL for HAA5 resulted in the exposure of a significant amount of contaminants which did not exceed levels that are protective to human health and the environment.

Adjustment \$750

\$250

Violation Events

2

774

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$500

Two annual events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$265

Violation Final Penalty Total \$1,145

This violation Final Assessed Penalty (adjusted for limits) \$1,145

Economic Benefit Worksheet

Respondent Kathie Bryant dba Buena Vista Water System
Case ID No. 5864
Reg. Ent. Reference No. RN101190809
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	30-Sep-2004	13-Nov-2006	2.1	\$265	n/a	\$265

Notes for DELAYED costs

Estimated expense to implement an alternative method of disinfection. Date required is the last day of the first quarter the MCL was exceeded. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$265

Screening Date 15-Feb-2007

Docket No. 2007-0304-PWS-E

PCW

Respondent Kathie Bryant dba Buena Vista Water System

Policy Revision 2 (September 2002)

Case ID No. 5864

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101190809

Media [Statute] Public Water Supply

Enf. Coordinator Sandy VanCleave

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average for the third quarter of 2004 through the second quarter of 2006. Specifically, the running annual average of TTHM for the third quarter of 2004 through the second quarter of 2006 was 0.131, 0.174, 0.206, 0.191, 0.176, 0.178, 0.179 and 0.167 mg/L, respectively.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to comply with the MCL for TTHM resulted in the exposure of a significant amount of contaminants which did not exceed levels that are protective to human health and the environment.

Adjustment \$750

\$250

Violation Events

2

869 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$500

Two annual events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$490

Violation Final Penalty Total \$1,145

This violation Final Assessed Penalty (adjusted for limits) \$1,145

Economic Benefit Worksheet

Respondent Kathie Bryant dba Buena Vista Water System
Case ID No. 5864
Reg. Ent. Reference No. RN101190809
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	30-Sep-2004	31-Aug-2008	3.9	\$490	n/a	\$490

Notes for DELAYED costs

Estimated expense to implement an alternative method of disinfection. Date required is the last day of the first quarter the MCL was exceeded. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$490

Compliance History

Customer/Respondent/Owner-Operator:	CN601589815	BRYANT, KATHIE	Classification:	Rating:
Regulated Entity:	RN101190809	BUENA VISTA WS	Classification:	Site Rating:
ID Number(s):	UTILITIES	REGISTRATION	11656	
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0270008	
	WATER LICENSING	LICENSE	0270008	
Location:	119 BUENA VISTA DR, BURNET, TX, 78611			
TCEQ Region:	REGION 11 - AUSTIN			
Date Compliance History Prepared:	March 7, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 07, 2002 to March 07, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Christopher Keffer Phone: (512) 239-5610

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)?
5. When did the change(s) in ownership occur?

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 06/13/2004

ADMINORDER 2003-0360-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(E)(i)

Description: Failed to equip gravity or pressure-type filter, at a surface waters supply, with a sampling tap so that the effluent turbidity of each filter can be individually monitored.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a transfer pump capacity of at least 0.6 gallons per minute for each connection.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a treatment plant capacity, at a surface water supply, of at least 0.6 gpm for each connection.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(2)

Description: Failed to provide a free chlorine residual of at least .2 mg/L in the water w/in the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)[G]

Description: Failed to provide a water pressure of at least 35 psi at all points of the distribution system.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 04/25/2002 (IE0018526001001
- 2 07/14/2002 (874)
- 3 06/06/2003 (33771)
- 4 10/01/2003 (250470)
- 5 06/25/2004 (272278)

6 09/15/2004 (333814)
 7 10/25/2004 (497470)
 8 11/22/2004 (511062)
 9 02/15/2005 (511249)
 10 03/03/2005 (511260)
 11 04/21/2005 (511283)
 12 04/27/2005 (511274)
 13 06/22/2005 (395991)
 14 07/08/2005 (511315)
 15 07/15/2005 (511287)
 16 08/05/2005 (398279)
 17 09/29/2005 (511330)
 18 09/30/2005 (511338)
 19 01/04/2006 (511356)
 20 01/12/2006 (511362)
 21 04/18/2006 (511377)
 22 04/19/2006 (511418)
 23 04/21/2006 (458878)
 24 07/20/2006 (511437)
 25 09/25/2006 (513477)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/06/2003 (33771)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
 Description: Failure to provide a flow measuring device for the water recycled water stream.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(G)
 Description: Failure to provide containment for the water system's alum storage tank.
 Date: 06/25/2004 (272278)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
 Description: Failure to calibrate the finished water meter.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(G)
 Description: Failure to maintain the water system's facilities.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(I)
 Description: Failure to maintain copies of monthly operating reports (MOR's).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(G)
 Description: Failure to maintain the water system's facilities.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(2)
 Description: Failure to perform annual inspections of the water system's pressure filters.
 Date: 10/25/2004 (497470)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
 Description: Violated the maximum contaminant level for haloacetic acids in the third quarter of 2004.
 Date: 11/22/2004 (511062)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: Violated the maximum contaminant level for trihalomethanes in the third quarter of 2004.
 Date: 02/15/2005 (511249)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
 Description: Violated the maximum contaminant level for haloacetic acids in the fourth quarter of 2004.
 Date: 03/03/2005 (511260)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: Violated the maximum contaminant level for trihalomethanes in the fourth quarter of 2004.
 Date: 04/21/2005 (511283)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: Violated the maximum contaminant level for trihalomethanes in the first quarter of 2005.
 Date: 04/27/2005 (511274)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
 Description: Violated the maximum contaminant level for haloacetic acids in the first quarter of 2005.
 Date: 07/08/2005 (511315)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: Violated the maximum contaminant level for trihalomethanes in the second quarter of 2005.
 Date: 07/15/2005 (511287)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
 Description: Violated the maximum contaminant level for haloacetic acids in the second quarter of 2005.
 Date: 08/11/2005 (398279)
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)(G)
 Description: Failed to label all plant piping and chemical feed lines.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(E)
 Description: Failed to provide facilities to monitor the depth of the sludge-blanket.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(E)(ii)
 Description: Failed to equip each filter with an on-line turbidimeter and recorder.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)
 Description: Failed to equip the filters with rate of flow indication.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)
 Description: Failed to provide a self contained breathing apparatus.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
 Description: Failed to have a system ownership sign.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
 Description: Failed to maintain an up-to-date chemical and microbiological monitoring plan.
 Date: 09/29/2005 (511330)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
 Description: Violated the maximum contaminant level for haloacetic acids in the third quarter of 2005.
 Date: 09/30/2005 (511338)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: Violated the maximum contaminant level for trihalomethanes in the third quarter of 2005
 Date: 01/04/2006 (511356)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
 Description: Violated the maximum contaminant level for haloacetic acids in the fourth quarter of 2005.
 Date: 01/12/2006 (511362)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 Description: Violated the maximum contaminant level for trihalomethanes in the fourth quarter of 2005.
 Date: 04/18/2006 (511377)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
 Description: Violated the maximum contaminant level for haloacetic acids in the first quarter of 2006.
 Date: 04/19/2006 (511418)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes in the first quarter of 2006.

Date: 07/20/2006 (511437)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: Violated the maximum contaminant level for trihalomethanes in the second quarter of 2006.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
KATHIE BRYANT DBA BUENA VISTA
WATER SYSTEM
RN101190809**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0304-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Kathie Bryant dba Buena Vista Water System ("Ms. Bryant") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Ms. Bryant presented this agreement to the Commission.

Ms. Bryant understands that she has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Ms. Bryant agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Ms. Bryant.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. Ms. Bryant owns and operates a public water supply located at 119 Buena Vista Drive in Burnet County, Texas (the "Facility") that has approximately 123 service connections and serves at least 25 people per day for at least 60 days per year.
2. During an investigation on November 3, 2006, TCEQ staff documented that Ms. Bryant failed to equip each filter with an on-line turbidimeter and recorder which allows the operator to measure and record the turbidity at 15 minute intervals.
3. During an investigation on November 3, 2006, TCEQ staff documented that Ms. Bryant failed to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators.
4. During an investigation on November 3, 2006, TCEQ staff documented that Ms. Bryant failed to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less. Specifically, during the investigation, it was documented that the water system reported a service pump capacity of 180 gpm. Based on the number of connections, the water system is required to provide a service pump capacity of 246 gpm.
5. During an investigation on November 3, 2006, TCEQ staff documented that Ms. Bryant failed to provide a treatment plant capacity of 0.6 gpm per connection. Specifically, during the investigation, it was documented that the system's treatment capacity is 0.081 million gallons per day ("mgd") based on the limitations of four pressure filters and 0.079 mgd based on the sedimentation basin capacity. Based on the number of connections, the water system is required to provide a minimum of 0.106 mgd under normal conditions.
6. During an investigation on November 3, 2006, TCEQ staff documented that Ms. Bryant failed to provide a minimum water pressure of at least 35 pounds per square inch ("psi") throughout the distribution system. Specifically, during the investigation, pressure was recorded at 28 psi at 113 Las Flores Street and 22 psi at 856 El Camino Street.
7. During an investigation on November 3, 2006, TCEQ staff documented that Ms. Bryant failed to operate the disinfection equipment to maintain a minimum free chlorine residual of 0.2 milligrams per liter ("mg/L") in each finished water storage tank and throughout the distribution system at all times. Specifically, during the investigation, a field test conducted on a water sample collected at 113 Las Flores Street revealed a free chlorine residual of 0.05 mg/L.

8. During an investigation on November 3, 2006, TCEQ staff documented that Ms. Bryant failed to comply with the maximum contaminant level ("MCL") of 0.060 mg/L for haloacetic acid ("HAA5"), based on a running annual average for the third quarter of 2004 through the first quarter of 2006. Specifically, the running annual average of HAA5 for the third quarter of 2004 through the first quarter of 2006 was 0.066, 0.081, 0.096, 0.082, 0.076, 0.074 and 0.068 mg/L, respectively.
9. During an investigation on November 3, 2006, TCEQ staff documented that Ms. Bryant failed to comply with the MCL of 0.080 mg/L for trihalomethane ("TTHM"), based on a running annual average for the third quarter of 2004 through the second quarter of 2006. Specifically, the running annual average of TTHM for the third quarter of 2004 through the second quarter of 2006 was 0.131, 0.174, 0.206, 0.191, 0.176, 0.178, 0.179 and 0.167 mg/L, respectively.
10. Ms. Bryant received notice of the violations on August 13 and December 26, 2006.
11. The Executive Director recognizes that Ms. Bryant has maintained compliance with the MCL for HAA5 since the third quarter of 2006.

II. CONCLUSIONS OF LAW

1. Ms. Bryant is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, Ms. Bryant failed to equip each filter with an on-line turbidimeter and recorder, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(E)(ii).
3. As evidenced by Findings of Fact No. 3, Ms. Bryant failed to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(D)(i).
4. As evidenced by Findings of Fact No. 4, Ms. Bryant failed to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(F) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
5. As evidenced by Findings of Fact No. 5, Ms. Bryant failed to provide a treatment plant capacity of 0.6 gpm per connection, in violation of TCEQ Agreed Order Docket No. 2003-0360-PWS-E, Ordering Provision 2.c.i., 30 TEX. ADMIN. CODE § 290.45(b)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
6. As evidenced by Findings of Fact No. 6, Ms. Bryant failed to provide a minimum water pressure of at least 35 psi throughout the distribution system, in violation of TCEQ Agreed Order Docket No. 2003-0360-PWS-E, Ordering Provision 2.c.iii. and 30 TEX. ADMIN. CODE § 290.44(d).

7. As evidenced by Findings of Fact No. 7, Ms. Bryant failed to operate the disinfection equipment to maintain a minimum free chlorine residual of 0.2 mg/L in each finished water storage tank and throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.46(d)(2)(A).
8. As evidenced by Findings of Fact No. 8, Ms. Bryant failed to comply with the MCL of 0.060 mg/L for HAA5, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
9. As evidenced by Findings of Fact No. 9, Ms. Bryant failed to comply with the MCL of 0.080 mg/L for TTHM, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
10. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Ms. Bryant for violations of the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
11. An administrative penalty in the amount of Eight Thousand Nine Hundred Thirty-One Dollars (\$8,931) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Ms. Bryant has paid One Hundred Five Dollars (\$105) of the administrative penalty. The remaining amount of Eight Thousand Eight Hundred Twenty-Six Dollars (\$8,826) of the administrative penalty shall be payable in seven monthly payments at One Hundred Five Dollars (\$105) each, then 27 monthly payments at Two Hundred Eighty-Nine Dollars (\$289) each, and the 36th payment in the amount of Two Hundred Eighty-Eight Dollars (\$288). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Ms. Bryant fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Ms. Bryant to meet the payment schedule of this Agreed Order constitutes the failure by Ms. Bryant to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Ms. Bryant is assessed an administrative penalty in the amount of Eight Thousand Nine Hundred Thirty-One Dollars (\$8,931) as set forth in Section II, Paragraph 11 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Ms. Bryant's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Kathie Bryant dba Buena Vista Water System, Docket No. 2007-0304-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Ms. Bryant shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order, begin maintaining a residual disinfectant concentration of at least 0.2 mg/L free chlorine or 0.5 mg/L chloramine in the water entering the distribution system, as required by 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Equip each filter with an on-line turbidimeter and recorder which allows the operator to measure and record the turbidity at 15 minute intervals, as required by 30 TEX. ADMIN. CODE § 290.42; and
 - ii. Equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators, as required by 30 TEX. ADMIN. CODE § 290.42.
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance as described in Ordering Provision 2.j. for Ordering Provision 2.a. and 2.b.

- d. With 90 days after the effective date of this Agreed Order:
- i. Provide a service pump capacity for each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gpm per connection, as required by 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide a treatment plant capacity of 0.6 gpm per connection, as required by 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Submit an engineering study which addresses the low pressures being experienced within the distribution system. This study shall include plans and specifications, which have been prepared by a registered professional engineer, for any system improvements needed to maintain a minimum pressure of 35 psi at all points within the distribution network at flow rates of at least 1.5 gallons per minute per connection, as required by 30 TEX. ADMIN. CODE § 290.44(d). These plans and specifications shall be submitted to:

Rate Analysis & Plan Review Team, Utilities & Districts Section
Water Supply Division, MC 153
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- e. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the study, plans and specifications within 30 days after the date of such requests, or by any other deadline specified in writing.
- f. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.d. as described in Ordering Provision 2.j.
- g. Within 180 days after the effective date of this Agreed Order, begin operating the Facility so as to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions, in accordance with 30 TEX. ADMIN. CODE § 290.44.
- h. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.g. as described in Ordering Provision 2.j.
- i. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average MCL for TTHM.
- j. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.i. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Austin Regional Office
Water Section Manager
Texas Commission on Environmental Quality
2800 South IH 35, Suite 100
Austin, Texas 78704-5712

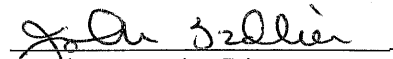
3. The provisions of this Agreed Order shall apply to and be binding upon Ms. Bryant. Ms. Bryant is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Ms. Bryant shall be made in writing to the Executive Director. Extensions are not effective until Ms. Bryant receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Ms. Bryant if the Executive Director determines that Ms. Bryant has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against Ms. Bryant in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 2/7/2008

I, the undersigned, have read and understand the attached Agreed Order in the matter of Kathie Bryant dba Buena Vista Water System. I am authorized to agree to the attached Agreed Order on behalf of Kathie Bryant dba Buena Vista Water System, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Kathie Bryant dba Buena Vista Water System waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

Date October 9 2007

Kathie Bryant

Name (Printed or typed)
Authorized Representative of
Kathie Bryant dba Buena Vista Water System

Title owner/operator

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

